Subcommittee on Interim Strong Mayor

Staff Briefing on Charter Review in Future by James Ingram

Per Subcommittee request on August 20, the staff has prepared straw language providing for a periodic review of the Charter by a Charter Commission, and begun to assemble a list of Charter issues that should be examined by future entities charged with reviewing the Charter.

Proposed Charter Language

Section ___. Periodic Establishment of a Charter Commission. From time to time, but no less frequently than every 10 years, the Mayor and City Council shall convene a Charter Commission to review and recommend amendments to this Charter. The first such commission shall be convened no later than two years prior to the 2020 Census. The Mayor shall appoint the members of this commission, subject to Council confirmation. The Mayor shall strive insofar as is practicable to provide a balanced representation of the geographic, gender, racial, and ethnic diversity of the City in appointing commission members. The Council shall appropriate adequate funds to support the research and analysis performed by this commission, but may also assign City staff to assist in its work. This commission shall determine its own rules of procedure. No member of the commission shall serve as an elective officer of the City during his or her service on said commission. The Mayor or Council may request that the commission review specific sections of the Charter, but its work and recommendations shall not be subject to such specific sections. The commission shall provide a written report of its findings to the Mayor and Council. The Council shall act upon these recommendations prior to the last day to place measures on the ballot for the next regular municipal election. The City Council may appoint Charter review commissions more often if it desires, as provided by law.

Staff Analysis

California law provides a number of processes through which the voters may amend their city charters. The initiative process may be employed to place before voters a charter amendment, or to call for the election of a charter commission, which is then authorized to submit its amendments to the voters. The Council may place before the voters its own recommendations for charter amendment, or forward to voters amendments recommended by an appointed charter review commission.

Some argue that charter review is too important to be left up to chance, and would prefer that the City of San Diego automatically review its Charter on a regular basis. The staff has found that other cities have indeed taken this route to ensure that regular charter review is performed. The staff drew the above language from the best parts of the charter review provisions that our research found for other cities.

Comparison of Other Cities' Provisions for Periodic Charter Review

At this point, the staff has found that some cities do presently include such provisions in their charters. Among the 10 largest cities (and the largest strong mayor cities) in the country, we found that Detroit provides for periodic charter review. Among the largest California cities, we found that Riverside provides such a process. Portland, Oregon is a major American city, and is in fact alone among the

nation's larger municipalities in that it still uses the old commission plan charter; regardless of its archaic practices otherwise, Portland did act in May 2007 to institute a periodic charter review process in its charter. Finally, some smaller cities have occasionally established such a process, as we found for Clearwater, Florida. If the Subcommittee would like, staff can survey all of the largest strong mayor cities in the country, as well as the largest California cities. However, it seemed appropriate to present the preliminary results of our research, since this item has come up for discussion under the work-plan of this Subcommittee.

Three of the four cities surveyed so far provide that the charter review panel members shall be appointed, but Detroit's charter establishes an elected body. Two of the four cities require the City Council to place the charter review panel's recommendations before the voters, although Clearwater gives its council discretion (The specific operations of Detroit's charter review panel appear to be prescribed by Michigan's Home Rule Cities Incorporation Act).

Relevant Charter Sections from Other Cities

Portland, Oregon

Chapter 13: Charter Revision and Interpretation ###

Article 3. Provide for Periodic Charter Review

Section 13-301. Charter Commission. From time to time, but no less frequently than every 10 years, the Council shall convene a Charter review commission ("Charter Commission") to review and recommend amendments to this Charter provided, however, that the first Charter Commission shall be convened no later than two (2) years after the effective date of this Article. The Charter Commission shall be reflective of the City in terms of its racial and ethnic diversity, age and geography. It shall be comprised of twenty (20) residents of the City. Each member of the Council shall nominate 4 Charter Commission members who shall be subject to confirmation by the Council. The Charter Commission shall determine its own rules of procedure. No member of the Charter Commission shall serve as an elective officer of the City during his or her service on the Charter Commission. The Mayor or Council may request that the Charter Commission review specific sections of the Charter, but the work and recommendations of the Charter Commission shall not be subject to such specific sections. The Commission shall provide a written report of its findings to the City Council.

Section 13-302. Submission to Voters. All Charter amendments proposed by the Charter Commission supported by an affirmative vote of at least fifteen (15) members of the Charter Commission. After a public hearing process prescribed by the Council, shall be submitted to the voters of the City of Portland at the next primary or general election that is at least 120 days after the date the recommendations are presented to the City Council. All Charter amendments proposed by the Charter Commission supported by an affirmative vote of a majority but less than fifteen (15) members of the Charter Commission shall be considered as recommendations to the City Council. The Council may, but is not required to, refer such proposed amendments to the voters of the City of Portland.

Section 13-303. Effective Date. This Article 3 of Chapter 13 shall take effect on January 1, 2009."

Riverside, California

"Sec. 1403. Charter Review Committee.

In February 2004, and in February every eight years thereafter, the City Council shall appoint and appropriate adequate funds for a Charter Review Committee. The Charter Review Committee shall have the power and duty to:

- (a) Recommend to the City Council which, if any, Charter amendments should be placed on the ballot at the next regular municipal election for Mayor.
- (b) Hold public meetings to receive input on proposed Charter amendments.
- (c) Present a final report with its recommendations to the City Council by the last Tuesday in May preceding the next regular municipal election for Mayor. It may, in its discretion, make interim reports to the City Council.

The City Council shall act upon the recommendations of the Charter Review Committee prior to the last day to place measures on the ballot for the next regular municipal election for Mayor.

The City Council may appoint Charter Review Committees more often if it desires."

Detroit, Michigan

"Sec. 9-403. Revision question.

The question of whether there shall be a general revision of the City Charter shall be submitted to the voters of the City of Detroit at the gubernatorial primary of 2018, and at every fourth (4th) gubernatorial primary thereafter and may be submitted at other times in the manner provided by law. A primary election shall be held for the offices of Charter Revision Commissioners at the same election and shall be void if the proposition to revise is not adopted. If the proposition to revise is adopted, Charter Revision Commissioners shall be elected at the ensuing general election for governor."

Clearwater, Florida

"Section 7.02. Charter review advisory committee.

The council shall appoint a charter review advisory committee in January, 1994, and at least every five years thereafter provided the appointments are made in January of a year preceding a city election. The charter review advisory committee shall be composed of not less than ten members. It shall review the existing charter and make recommendations to the council for revisions thereto."

Other Cities' Charter Language